


**Robert W. Hurt**  
100 SW Magnolia Ave.  
Keystone Heights, Florida 32656  
(352)473-4440

**FILED**  
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LANCE S. WILSON  
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BY  DEPUTY

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

Thomas A. Dillon, Independent Fiduciary  
Of Employers Mutual Plans,

Plaintiff,

v.

Robert W. Hurt, et al.

Defendants.

**CASE NO. CV-N-03-0119-HDM-VPC**

**Defendant Robert W. Hurt's Response  
To Court Order and Accompanying  
Information of March 26, 2003**

To follow is input requested by Mr. Brace with respect to a pre-trial conference. This will include Mr. Hurt's response to the Court Order of March 26, 2003 and the additional attachments and information accompanying the Court Order as sent by Attorney Robert Brace. Be it known that Mr. Hurt is also accompanying this response with the information requested in the four interrogatories in the original Court Order as requested in the Court Order and to the best of his ability and according to information taken directly from files maintained for the Employers Mutual clients mentioned in the Court Order.

**Grounds For This Response**

1. Although Mr. Hurt has been ordered to and is complying with the March 26, 2003 Court Order following the hearing with Magistrate Judge Cook, Mr. Hurt, as would any conscientious insurance agent, objects to having to list Social Security numbers, names, addresses, and phone numbers of Employers Mutual Clients. This information is being requested by the court, without the written consent of these individuals of whom files have

been kept. This, in Mr. Hurt's understanding of HIPAA, does not allow for any client to have protection of their right, under the HIPAA Laws as currently written, to confidentiality and privacy. Should any of this information become public record, Mr. Hurt should be absolved of any liability in that he complied with the Court Order rather than withhold this information on behalf of these individuals and their families.

2. Mr. Hurt, and perhaps others, cannot afford any Mediator's fees or other additional fees whatsoever at this time. Due to budgetary constraints, there are no funds available at all. This places Mr. Hurt at an economic disadvantage since Mr. Dillon has fees allotted to him and has not had to use his own funds. Mr. Hurt is placing the court on notice of his economic situation.

3. Mr. Hurt, and perhaps others, cannot afford the services of any attorney nor can he afford to "co-op" with any attorney. This is being stated as a matter of fact and for the record. This is an economic disadvantage and therefore a legal disadvantage for Mr. Hurt, and perhaps others. Mr. Hurt wishes to place the court on notice of this fact.

4. Mr. Hurt, and perhaps others, objects to any use of "one common attorney" to serve the various and different needs of the entire list of Defendants. Mr. Hurt believes that no one person is qualified, that no one person has all the facts, that any additional expense, time, travel, etc. is not realistic in attempting to work with "one common attorney". How one attorney would be capable of coordinating the various needs of hundreds of defendants is a question to Mr. Hurt and something he is gravely concerned about. This places Mr. Hurt, and perhaps others, at a disadvantage in defending himself.

5. The venue of Reno, Nevada makes use of time difficult since Mr. Hurt is three time zone hours removed from that location. Mr. Hurt cannot afford to travel such a distance, rent hotel/motel space, and pay for his own meals and transportation. Mr. Hurt's wife is recovering from cancer surgery and he also has the responsibility of a handicapped son which adds to the difficulty of travel. This places Mr. Hurt, and perhaps others, at a disadvantage in defending himself.

6. The venue of Reno, Nevada is far removed from any of the Employers Mutual clients Mr. Hurt would have come in contact with. This places these individuals, their wishes and interests as a lower priority as a result.

**7. The venue of Reno, Nevada is far removed from any agents Mr. Hurt could have contacted personally. Mr. Hurt himself, and others included are at a disadvantage in defending themselves as a result of this.**

8. Mr. Hurt objects to the one-sided discovery thus far in this case. Mr. Hurt is trying to defend himself with both hands tied behind his back.

9. When Mr. Hurt asked Magistrate Judge, Valerie Cook about being contacted for telephonically attending the pre-trial conference for August 26, 2003, Judge Cook stated, in the meeting concerning Objections on July 21, 2003, that "...the clerk of the court will, uh I assume, Judge McKibben's clerk, deputy court clerk, will have all of the telephone numbers for parties, just as my court clerk did and she will make those arrangements sir, and be in touch with you. Mr. Hurt. Today's date is August 11, 2003, and no one has contacted Mr. Hurt as of yet.

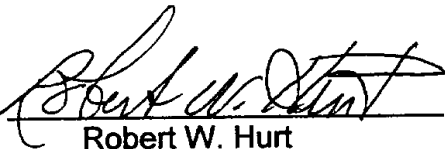
10. When placed on notice concerning certain tactics being used by Mr. Brace appearing to be fraudulent and attempting to use the color of law to procure money, Judge Cook

struck from the record Mr. Hurt's notice. It would seem that any court would be the least bit interested in investigating the allegations and complaints as to these serious events. 11. Mr. Hurt objects (input was requested) to Mr. Brace's drafted Preliminary Report in its entirety and objects to the court accepting it in any form at this time. Mr. Brace's Case Management Order is objectionable on its face.

**Conclusion**

The responses of Mr. Hurt were requested by Mr. Brace in his accompanying paperwork and Court Order of March 26, 2003 and therefore should be considered either prior to or during the August 26, 2003 conference with Judge McKibben.

Prepared and submitted by:

  
Robert W. Hurt

**Certificate of Service**

I, Robert W. Hurt, certify that August 12, 2003, I mailed a true and correct copy of the above and foregoing response via first class mail to:

Robert L. Brace  
P.O. Box 630  
Santa Barbara, CA 93102

and

Richard W. Horton  
Suite 1100 Bank of America Plaza  
50 W. Liberty Street  
Reno, NV 89501

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

### I. (a) PLAINTIFFS

Thomas A. Dillon, Independent Fiduciary  
VPC  
of Employers Mutual Plans

(b) County of Residence of First Listed Plaintiff  
(EXCEPT IN U.S. PLAINTIFF CASES)

### DEFENDANTS

Robert W. Hurt  
100 SW Magnolia Ave.  
Keystone Heights, FL 32656

County of Residence of First Listed  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

### (c) Attorney's (Firm Name, Address, and Telephone Number)

Robert L. Bruce  
1126 Santa Barbara Street  
Santa Barbara, Ca. 93101  
(805)863-8711  
Case No. CV-N-03-0119-HDM-VPC

### Attorneys (If Known)

Robert W. Hurt, PRO SE  
100 SW Magnolia Ave  
Keystone Heights, FL 32656  
(352)473-4440

### II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☐ 3 Federal Question (U.S. Government Not a Party)  
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

### III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State PTF ☐ 1 DEF ☐ 1 Incorporated or Principal Place of Business in This State PTF ☐ 4 DEF ☐ 4  
Citizen of Another State PTF ☒ 2 DEF ☐ 2 Incorporated and Principal of Business in Another State PTF ☐ 5 DEF ☐ 5  
Citizen or Subject of a Foreign Country PTF ☐ 3 DEF ☐ 3 Foreign Nation PTF ☐ 6 DEF ☐ 6

### IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury  <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability  <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other  <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark  <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))  <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

### V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify)  
☐ 6 Multidistrict Litigation  
☐ 7 Appeal to District Judge from Magistrate Judgment

### VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Thomas A. Dillon, Plaintiff alleges that I sold an illegal ERISA health plan presented Employers Mutual.

### VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION DEMAND UNDER F.R.C.P. 23

CHECK YES only if demanded in complaint:  
JURY DEMAND: ☐ Yes ☐ No

### VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE **McKibben**

DOCKET NUMBER

CV-N-03-0119-HDM-VPC

DATE **August 12, 2003**

SIGNATURE OF ATTORNEY OR PARTY

*Robert W. Hurt - PRO SE*

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING ITP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_